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SERVICE DATE - OCTOBER 15, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-303 (Sub-No. 20X)

WISCONSIN CENTRAL LTD.–ABANDONMENT
EXEMPTION–IN BROWN COUNTY, WI

Decided: October 13, 2004

On November 17, 1999, a decision and notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period for the State of Wisconsin Department of Natural Resources (WisDNR) to negotiate an interim trail use/rail banking agreement with Wisconsin Central Ltd. (WCL) for a 1.63-mile line of railroad between milepost 198.37 and milepost 200 in Green Bay, Brown County, WI. The negotiating period under the NITU was extended several times for the portion of the right-of-way from milepost 198.37 to milepost 199.84. The latest extension is scheduled to expire on October 23, 2004.¹

By facsimile filed on October 6, 2004, WisDNR and WCL jointly seek an extension of the negotiating period with respect to the portion of the line between mileposts 198.37 and 199.84 for an additional 180 days. The parties state that negotiations are currently continuing in good faith, but that more time is needed to finalize negotiations.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.² Under the circumstances, an extension of the negotiation period is warranted and will promote trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the negotiation period will be extended to April 21, 2005.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The joint extension request of WisDNR and WCL to extend the NITU negotiation period is granted.

¹ The most recent extension of the negotiation period under the NITU was authorized by decision served April 20, 2004.

² See Rail Abandonments–Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

2. The negotiation period under the NITU is extended for 180 days until April 21, 2005.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary